

### **Remarks**

Claims 1-5, 7-9 and 11-13 are pending in the application, of which claims 1-5, 7-9 and 11-13 are rejected. The specification has been objected to by the Examiner. Additionally the drawings filed on January 16, 2009 are objected to by the Examiner. Applicant traverses these rejections, however by this paper Applicant has amended claims 1, 4 and 7 and cancelled claims 11-13 to further prosecution. Additionally Applicant presents new claim 15.

### ***Specification Objections***

The Examiner has objected to the specification, stating "[t]he brief descriptions of the drawings should be placed together and under the proper heading. . . ." (Office action of March 24, 2009 at page 2, paragraph 2). Applicant requests that the Examiner review pages 2 and 3 of the amendment filed on January 16, 2009, where the Applicant amended the specification to add a "BRIEF DESCRIPTION OF THE DRAWINGS" section that includes the following description of the drawings:

Figure 1 is an exploded front perspective view of a cleanable heated valve according to an embodiment of the present invention;

Figure 1A is another front perspective view of the valve of Figure 1;

Figure 1B is an enlarged side perspective partial view of the valve of Figure 1;

Figure 2 is a front cross sectional view of the valve of Figure 1;  
and

Figure 2A is a front perspective view of the valve of Figure 2.

(Amendment of January 16, 2009 at page 2). Applicant requests that the Examiner withdraw or clarify this objection.

### ***Drawing Objections***

The Applicant appreciates the Examiner's indication that the "objection of record to the drawings is withdrawn. The sharp corner of the flow path of nozzle 2 shown in original Figure 2 is considered adequate support for a 'small discontinuity'." (Office action of March 24, 2009 at page 2, paragraph 3).

The Examiner has objected to the drawings, stating the "notch 11 is not adequately supported in the original drawings and disclosure". (Office action of March 24, 2009 at page 2, paragraph 4). By this paper, Applicant has amended claim 4 to remove the "notch" limitation.

Claim 4 as amended requires "[t]he valve as set forth in Claim 3, wherein the downstream connector further comprises a discontinuity extending axially along the inner periphery of the downstream connector to break surface tension." The discontinuity (11) is described in the specification as follows: "With reference to Figures 2-2A, . . . the down stream connector plain outlet type nozzle (2) can be optionally contoured on the upper portion of said nozzle, as shown (11) to help assist in unlocking any held-up medium in the nozzle when the valve is closed in order to promote rapid free draining of the nozzle." (Specification at page 6, starting at line 5. See Amendment of January 16, 2009 at page 3). As indicated by the Examiner and restated above, there is adequate support for the small "discontinuity" in the original Figure 2. Therefore Applicant requests that the Examiner withdraw this objection to the drawings.

### ***Claim Rejections - 35 U.S.C. § 112 ¶1***

#### **Rejection of Claims 1-5, 7-9, and 11-13**

The Examiner has rejected claims 1-5, 7-9 and 11-13 under 35 U.S.C. § 112 ¶1. The Examiner states that "there is no original written description of a planar surface as claimed. Although Figure 2 is consistent with a planar surface it is not determinative. . . ." (Office action

of March 24, 2009 at page 3, paragraph 3). By this paper, independent claims 1 and 7 have been amended to remove the "planar surface" limitation, and independent claim 11 has been cancelled.

Claim 1 as amended requires "the internal shape having an upstream void in fluid communication with the upstream connector, the internal shape also having a downstream void in fluid communication with the downstream connector; wherein a sealing face separates the downstream void from the upstream void. . . ." The sealing face is described by the specification as follows:

The upstream flow-path is defined by an upstream contoured void (3) through which the medium will pass from the upstream connector over the sealing face (6) and through the cleanable heated valve body (5) when the sealing membrane (9) is lifted by operating the flow activation knob (10). The downstream flow-path is defined by a downstream contoured void (4) through which the medium will flow through the cleanable heated valve body (5) from the upstream contoured void (3) over the sealing face (6) into the downstream connector (2) when the sealing membrane (9) is lifted by operating the flow activation knob (10), shown as being suited to manual activation, but may also be automatic such as pneumatic or electronic or the like.

(Specification at page 5, lines 24-32, emphasis added). The subject matter of claim 1 is adequately described by the specification. Therefore Applicant requests that the Examiner withdraw this rejection of claim 1.

Claims 2-5 depend from claim 1 and therefore claims 2-5 are adequately described by the specification for at least the reasons stated above for claim 1.

Claim 7 as amended requires "the internal shape having an upstream void in medium communication with the upstream connector, the internal shape also having a downstream void in medium communication with the downstream connector; wherein a sealing face separates the downstream void from the upstream void. . . ." The subject matter of claim 7 is adequately described by the specification at page 5, lines 24-32, as stated above for claim 1. Therefore Applicant requests that the Examiner withdraw this rejection of claim 7.

Claims 8-9 depend from claim 7 and therefore claims 8-9 are adequately described by the specification for at least the reasons stated above for claim 7.

By this paper Applicant cancels claims 11-13.

#### **Rejection of Claim 4**

The Examiner has rejected claim 4 under 35 U.S.C. § 112 ¶1. The Examiner states that "[t]here is no original written description or support in the drawings for the V-shaped notch recited in claim 4". (Office action of March 24, 2009 at page 3, paragraph 4). Claim 4 does not require a "V-Shaped notch". Claim 4 as amended requires "[t]he valve as set forth in Claim 3, wherein the downstream connector further comprises a discontinuity extending axially along the inner periphery of the downstream connector to break surface tension." As stated above, the discontinuity (11) is illustrated in Figures 2-2A and described in the specification as follows: "the down stream connector plain outlet type nozzle (2) can be optionally contoured on the upper portion of said nozzle, as shown (11) to help assist in unlocking any held-up medium in the nozzle when the valve is closed in order to promote rapid free draining of the nozzle." (Specification at page 6, lines 12-15). The subject matter of claim 4 is adequately described by the specification. Therefore Applicant requests that the Examiner withdraw this rejection of claim 4.

#### **Rejection of Claims 11-13**

The Examiner has rejected claims 11-13 under 35 U.S.C. § 112 ¶1. The Examiner states that "[t]here is no original written description of treating the downstream side of the valve by heating the upstream side. . . ." (Office action of March 24, 2009 at page 3, paragraph 5). By this paper, Applicant cancels claims 11-13.

***Claim Rejections - 35 U.S.C. § 112 ¶2***

**Rejection of Claims 1-5, 7-9, and 11-13**

The Examiner has rejected claims 1-5, 7-9 and 11-13 under 35 U.S.C. § 112 ¶2. The Examiner states that "the scope and meaning of the recitation of a planar surface cannot be determined. . . ." (Office action of March 24, 2009 at page 4, paragraph 4). Accordingly by this paper, independent claims 1 and 7 have been amended to remove the "planar surface" limitation, and independent claim 11 has been cancelled.

Claim 1 as amended requires "the internal shape having an upstream void in fluid communication with the upstream connector, the internal shape also having a downstream void in fluid communication with the downstream connector; wherein a sealing face separates the downstream void from the upstream void. . . ." The sealing face is described by the specification as follows:

The upstream flow-path is defined by an upstream contoured void (3) through which the medium will pass from the upstream connector over the sealing face (6) and through the cleanable heated valve body (5) when the sealing membrane (9) is lifted by operating the flow activation knob (10). The downstream flow-path is defined by a downstream contoured void (4) through which the medium will flow through the cleanable heated valve body (5) from the upstream contoured void (3) over the sealing face (6) into the downstream connector (2) when the sealing membrane (9) is lifted by operating the flow activation knob (10), shown as being suited to manual activation, but may also be automatic such as pneumatic or electronic or the like.

(Specification at page 5, lines 24-32, emphasis added). Claim 1 as amended particularly points out and distinctly claims the subject matter of the specification. Therefore Applicant requests that the Examiner withdraw this rejection of claim 1.

Claims 2-5 depend from claim 1 and therefore claims 2-5 particularly point out and distinctly claim their respective subject matter for at least the reasons stated above for claim 1.

Claim 7 as amended requires "the internal shape having an upstream void in medium communication with the upstream connector, the internal shape also having a downstream void in medium communication with the downstream connector; wherein a sealing face separates the downstream void from the upstream void. . . ." Claim 7 as amended particularly points out and distinctly claims the subject matter of the specification at page 5, lines 24-32, as stated above for claim 1. Therefore Applicant requests that the Examiner withdraw this rejection of claim 7.

Claims 8-9 depend from claim 7 and therefore claims 8-9 particularly point out and distinctly claim their respective subject matter for at least the reasons stated above for claim 7.

By this paper Applicant cancels claims 11-13.

### **Rejection of Claims 11-13**

The Examiner has rejected claim 11 under 35 U.S.C. § 112 ¶2 for insufficient antecedent basis for the claimed limitations. (Office action of March 24, 2009 at page 4, paragraph 5). By this paper Applicant cancels claims 11-13.

### ***New Claim***

By this paper applicant presents new independent claim 15. Claim 15 includes the limitations of previously presented claims 1 and 5, and does not present new matter.

***Conclusion***

In view of the foregoing, the Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested. If there are any outstanding issues preventing allowance, Applicant respectfully requests that a telephonic interview be arranged prior to the next office action.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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